THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3089 of 2006

Dated:12-10-2006

Between:

Pacharla Satya Harinadh and others.

..... PETITIONERS

AND

The District Collector, Visakhapatnam, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3089 of 2006

ORDER:

The three petitioners filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents in taking steps to dispossess them from the property in survey Nos.133/1 (to an extent of Acs.4.88 cents) and 133/2 (to an extent of Acs.4.58 cents) situated at Paradesipalem Village, Visakhapatnam Rural Mandal, Visakhapatnam District, without due process of law, as illegal and arbitrary.

This Court, while admitting the writ petition on 17-02-2006, granted interim stay of dispossession. The respondents have now moved an application, being W.V.M.P.No.1533 of 2006, for vacating the interim order. The matter is heard finally.

In the counter-affidavit filed by the Mandal Revenue Officer(MRO), Visakhapatnam (Rural), it is categorically averred that the writ petition is filed on mere apprehension and that the respondents never tried to interfere with the possession of the petitioners, though it is admitted that the subject land was verified as to whether there is any violation of conditions of assignment. This Court, therefore, observes that the writ petition is filed on mere apprehension. Needless to mention that unless and until the MRO takes necessary steps in accordance with law, the petitioners cannot be dispossessed.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

12th October, 2006

ghn